

IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 18904 OF 2007

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Dated : September 6, 2007

Between:

D.Ravinder

Petitioner

AND

The District Medical & Health Officer,
Warangal and two others

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 18904 OF 2007

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ORAL ORDER: (per THE HON'BLE MRS. JUSTICE T.MEENA
KUMARI)

Seeking a writ of certiorari to call for the records
relating to the order, dated 24.08.2007 passed in O.A. No.

5035 of 2007 by the Andhra Pradesh Administrative Tribunal, Hyderabad, in so far as it relates to giving liberty to the respondents petitioner herein to suspend the petitioner and to set aside the same consequently holding that the petitioner is entitled to be continued as Pharmacist, Grade-II in Primary Health Centre, Malkapur, Warnagal District, the petitioner filed this writ petition.

The petitioner herein filed the above O.A. before the Tribunal assailing Proc. Rc. No. D1/1161/2007 dated 16.8.2007 issued by the first respondent whereby the petitioner was posted to Primary Health Centre, Kannaigudem, on false, untenable and politically motivated allegations, as illegal and arbitrary.

Few facts, that are necessary for disposal of this writ petition, are that the petitioner was appointed as Pharmacist Grade II on 13.9.1995. While so, it is averred that the 2nd respondent surrendered the petitioner to the office of the first respondent on the ground that himself and other employees have complained that the 2nd respondent is irregular in discharging of duties, whereas the fact is that the 2nd respondent has manhandled him before other employees, which the petitioner informed to the 1st respondent for taking action. The surrender of the petitioner, according to the petitioner, is without even intimation to him. Consequent upon such surrender, the first respondent posted him at Primary Health Centre,

Kannaigudem, vide the impugned proceedings.

Aggrieved thereby, the petitioner filed the above O.A. contending that without communicating the order of surrender, the petitioner was transferred. It is also further averred that the 2nd respondent to circumvent the misdeeds, has pressurised his transfer with the endorsement of Health, Medical and Family Welfare and, therefore, the transfer is mala fide and not an incidence of service.

The Tribunal while admitting the O.A., issued interim direction which reads:

“...In view of the elaborate submission made by the learned counsel for the applicant, the impugned orders issued by Proc. Rc. No.E1/1161/2007 dated 16.8.2007, are suspended and liberty is given to the respondents to suspend the applicant if there are serious allegations against the applicant..”

Learned counsel for the petitioner contends that since the transfer is the result of external pressure and it is not in the interest of administration or an incidence of service, such an observation while granting suspension of the transfer order, is unwarranted.

Admittedly, in view of the suspension granted by the Tribunal in respect of the transfer of the petitioner, the petitioner is continuing in the same post at the same place

i.e. Primary Health Centre, Malkapur. Therefore, without advertent to merits of the contentions raised by the petitioner in the writ petition, we disposed of the writ petition suspending the interim order passed on 24.8.2007 by the Tribunal, in the above O.A., giving liberty to the respondents to suspend the petitioner herein, and direct the Tribunal to dispose of the O.A. itself within a period of three months from the date of receipt of copy of this order.

With this direction the Writ Petition is disposed of at the stage of admission. No order as to cost.

T.MEENA KUMARI, J.

G.CHANDRAIAH, J.

September 6, 2007
MAS